

Entered - 05/21/04 - sb
CL - 04L0328 LISA CARTER

CLAIM OF: SIDNEY AND MICHELLE TAYLOR
144 Hamlet Court
Riverdale, Georgia 30274

04- R-1227

For damages alleged to have been sustained as a result of an automobile accident due to striking a defective sewer manhole cover on February 21, 2004 at 1419 Vaughn Street, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

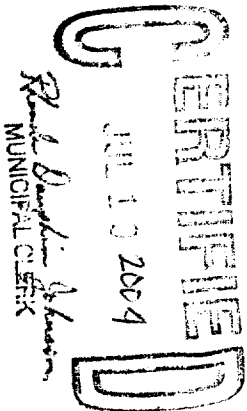
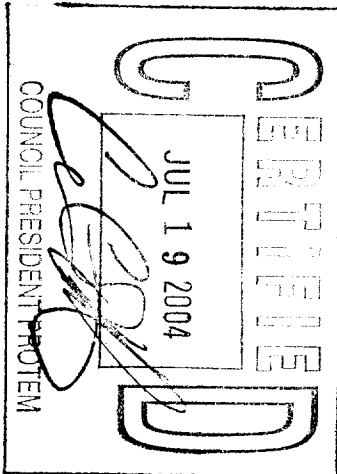
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/13/04

CHAIR: [Signature]

[Signature]
C. T. [Signature]

[Signature]
Carla [Signature]
Cleta [Signature]



CITY COUNCIL JUL 19 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 26, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Sidney & Michelle Taylor
144 Hamlet Court
Riverdale, Georgia 30274

04-R-1227

Dear Mr. & Mrs. Taylor:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0328

Date: June 29, 2004

Claimant /Victim SIDNEY AND MICHELLE TAYLOR

BY: (Atty) (Ins. Co.) _____

Address: 144 Hamlet Court Riverdale, Georgia 30274

Subrogation: _____ Claim for Property damage \$ 9,854.55 Bodily Injury \$ _____

Date of Notice: 05/17/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 02/21/04 Place: 1419 Vaughn Street, SE

Department Watershed Management Bureau: _____ Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants sustained vehicular damages when they lost control of their vehicle as a result of striking a sewer manhole cover at 1419 Vaughn Street, SE. The investigation determined that the city was on notice of a problem with the sewer cover, but failed to make repairs in a timely manner. However, the claimants elected to receive payment for damages through their insurance carrier.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

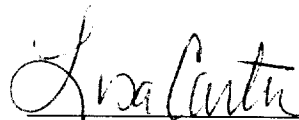
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____

Claims Manager:  Concur/date 06/01/04

Committee Action: _____ Council Action _____

RCS# 5906
7/19/04
2:07 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-9, EXCEPT: 04-R-1241

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	Y Willis

CONSENT I

7-19-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1154 2. 04-O-1156 3. 04-O-0765 4. 04-O-1249 5. 04-O-1263 6. 04-O-1034 7. 04-O-1265 8. 04-O-1266 9. 04-O-1264 10. 04-O-1151 11. 04-O-1262 12. 04-O-1157 13. 04-O-1269 14. 04-R-1044 15. 04-R-1049 16. 04-R-1219 17. 04-R-1290 18. 04-R-1210 19. 04-R-1289 20. 04-R-1215 21. 04-R-1216 22. 04-R-1217 23. 04-R-1218 24. 04-R-1232 25. 04-R-1233 26. 04-R-1234 27. 04-R-1235 28. 04-R-1236 29. 04-R-1237 30. 04-R-1238 31. 04-R-1239 32. 04-R-1240	33. 04-R-1222 34. 04-R-1223 35. 04-R-1224 36. 04-R-1225 37. 04-R-1226 38. 04-R-1227 39. 04-R-1228 40. 04-R-1229 41. 04-R-1230 42. 04-R-1231